

CARBONARO LAW, PC
Joseph W. Carbonaro
757 Third Avenue, 20th Floor
New York, New York 10017
(212) 888-5200
joe@jcarbonarolaw.com

November 9, 2021

Hon. Brian M. Cogan
United States District Court Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

RE: Brainwave Science, Inc. v. Arshee, Inc. et al
Civil Action No.: 21-CV-04402 (BMC)

Your Honor:

As the Court recalls from our phone conference of November 5, 2021, I advised that I am currently out of the country until tomorrow, November 10, 2021. With the kind consent of opposing counsel, Your Honor extended Defendants' time to respond to Plaintiff's pending motion for a preliminary injunction to November 16, 2021 and set November 23 at 2:15 PM for a virtual evidentiary hearing if the motion could not be resolved on the submissions alone.

Inadvertently, I did not inform the Court that I would be out of the country again, from November 16, 2021 until the evening of November 23, 2021. At the time when the hearing is to be held, I will be en route from out of the country. Tickets and hotel rooms already being purchased, I could not change this return trip without great expense. I therefore ask that the Your Honor conduct the hearing, if deemed necessary, from November 23 to November 25 or thereafter. I have conferred with opposing counsel and he advises that he is available on November 25. I apologize for this omission and ask the Court' indulgence for purposes of rescheduling the hearing for as short a time as possible. Thank you for your consideration of this matter.

I further note that I write from the airport where I do not have access to my office's letterhead or a printer and must write to the Court in electronic format using improvised letterhead, converted to pdf.

Respectfully yours,

Joseph W. Carbonaro

Attachments: (3)